

ESTTA Tracking number: **ESTTA762828**

Filing date: **08/05/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	NIKOLAY GRISHKO		
Entity	Individual	Citizenship	RUSSIAN FEDERATION
Address	c/o The Kinder Law Group, APC 19200 Von Karman Ave., 4th Fl. Irvine, CA 92612 UNITED STATES		

Attorney information	Brian P. Kinder The Kinder Law Group, APC 19200 Von Karman Ave., 4th Floor Irvine, CA 92612 UNITED STATES bkinder@tklglaw.com Phone:9492163070
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### Registrations Subject to Cancellation

Registration No	4746900	Registration date	06/02/2015
Registrant	I. M. Wilson, Inc. Suite D King of Prussia, PA 19406 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 025. First Use: 2000/00/00 First Use In Commerce: 2000/00/00 All goods and services in the class are cancelled, namely: Footwear
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### Grounds for Cancellation

Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse	Trademark Act Sections 14(1) and 2(c)		
Registration No	4303496	Registration date	03/19/2013
Registrant	I. M. Wilson Inc. Suite D King of Prussia, PA 19406 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 018. First Use: 2001/01/01 First Use In Commerce: 2001/01/01 All goods and services in the class are cancelled, namely: change purses; reusable shopping bags; general purpose bags for holding dance equipment
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## Grounds for Cancellation

Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse		Trademark Act Sections 14(1) and 2(c)	
Registration No	4303495	Registration date	03/19/2013
Registrant	I. M. Wilson Inc. Suite D King of Prussia, PA 19406 UNITED STATES		

## Goods/Services Subject to Cancellation

Class 016. First Use: 2001/01/00 First Use In Commerce: 2001/01/00  
All goods and services in the class are cancelled, namely: note pads; paper stationery; pens; pencils; stickers

## Grounds for Cancellation

Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse		Trademark Act Sections 14(1) and 2(c)	
Registration No	3915946	Registration date	02/08/2011
Registrant	I. M. Wilson Inc. 241 King Manor Drive King of Prussia, PA 19406 UNITED STATES		

## Goods/Services Subject to Cancellation

Class 025. First Use: 1990/05/19 First Use In Commerce: 1990/07/17  
All goods and services in the class are cancelled, namely: ballet slippers; dance shoes; dance tights; dance leotards; dance dresses; tops; bottoms; sweaters

Class 035. First Use: 2009/09/01 First Use In Commerce: 2009/09/01  
All goods and services in the class are cancelled, namely: retail store services featuring clothing and footwear

## Grounds for Cancellation

Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse		Trademark Act Sections 14(1) and 2(c)	
Registration No	3915742	Registration date	02/08/2011
Registrant	I. M. Wilson, Inc. Suite D King of Prussia, PA 19406 UNITED STATES		

## Goods/Services Subject to Cancellation

Class 025. First Use: 1996/00/00 First Use In Commerce: 1996/00/00

All goods and services in the class are cancelled, namely: tops, bottoms, sweaters
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## Grounds for Cancellation

Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse		Trademark Act Sections 14(1) and 2(c)	
Registration No	3915733	Registration date	02/08/2011
Registrant	I. M. Wilson, Inc. 241 King Manor Drive King of Prussia, PA 19406 UNITED STATES		

## Goods/Services Subject to Cancellation

Class 035. First Use: 2009/09/01 First Use In Commerce: 2009/09/01 All goods and services in the class are cancelled, namely: Retail store services featuring clothing and footwear
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## Grounds for Cancellation

Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse		Trademark Act Sections 14(1) and 2(c)	
Registration No	3568809	Registration date	02/03/2009
Registrant	I. M. Wilson, Inc. 241 King Manor Drive, Suite D King of Prussia, PA 19406 UNITED STATES		

## Goods/Services Subject to Cancellation

Class 025. First Use: 1990/05/19 First Use In Commerce: 1990/07/17 All goods and services in the class are cancelled, namely: Ballet slippers; dance shoes; dance tights; dance leotards; and dance dresses
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## Grounds for Cancellation

Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse		Trademark Act Sections 14(1) and 2(c)	
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Attachments	2016.08.05 - Petition to Cancel - GRISHKO - FINAL.pdf(68230 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/BPK/
Name	Brian P. Kinder
Date	08/05/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matters of:

***Trademark Registration No. 4746900***

***For the Mark: 2007 GRISHKO (STANDARD CHARACTER)***

***Date Registered: June 2, 2015***

***Trademark Registration No. 4303496***

***For the Mark: GRISHKO (STANDARD CHARACTER)***

***Date Registered: March 19, 2013***

***Trademark Registration No. 4303495***

***For the Mark: GRISHKO (STANDARD CHARACTER)***

***Date Registered: March 19, 2013***

***Trademark Registration No. 3915946***

***For the Mark: GRISHKO (STYLIZED & DESIGN)***

***Date Registered: February 8, 2011***

***Trademark Registration No. 3915742***

***For the Mark: GRISHKO (STANDARD CHARACTER)***

***Date Registered: February 8, 2011***

***Trademark Registration No. 3915733***

***For the Mark: GRISHKO (STANDARD CHARACTER)***

***Date Registered: February 8, 2011***

***Trademark Registration No. 3568809***

***For the Mark: GRISHKO (STANDARD CHARACTER)***

***Date Registered: February 3, 2009***

NIKOLAY GRISHKO,

Petitioner,

v.

I.M. WILSON, INC.,


Registrant.

Cancellation Proceeding No. \_\_\_\_\_

**PETITION TO CANCEL**

Mr. Nikolay Grishko (hereinafter “Mr. Grishko” or “Petitioner”) believes he is being damaged by the U.S. trademark registrations identified above and set forth in the chart below (hereinafter “the Challenged Registrations”), each of which is owned by I.M. Wilson, Inc., a Pennsylvania corporation with a principal place of business at 241 King Manor Drive, Suite D,

King of Prussia, Pennsylvania 19406 (hereinafter “I.M. Wilson” or “Registrant”), and hereby petitions to cancel the same:

<b><u>MARK</u></b>	<b><u>REG. NO.</u></b>	<b><u>REG. DATE</u></b>	<b><u>GOODS/SERVICES</u></b>
2007 GRISHKO	4746900	June 2, 2015	Footwear
GRISHKO	4303496	Mar. 19, 2013	Change purses; reusable shopping bags; general purpose bags for holding dance equipment.
GRISHKO	4303495	Mar. 19, 2013	Note pads; paper stationery; pens; pencils; stickers.
	3915946	Feb. 8, 2011	Ballet slippers; dance shoes; dance tights; dance leotards; dance dresses; tops; bottoms; sweaters; and  Retail store services featuring clothing and footwear.
GRISHKO	3915742	Feb. 8, 2011	Tops, bottoms, sweaters.
GRISHKO	3915733	Feb. 8, 2011	Retail store services featuring clothing and footwear.
GRISHKO	3568809	Feb. 3, 2009	Ballet slippers; dance shoes; dance tights; dance leotards; and dance dresses.

As grounds for this Petition, Mr. Grishko alleges as follows:

1. Mr. Grishko is a dual citizen of the Russian Federation and the Republic of Macedonia with a residence in the Russian Federation. Mr. Grishko enjoys, and for nearly three (3) decades has enjoyed, worldwide fame (including in the United States) in the ballet and dancewear industry. Mr. Grishko presently serves as president of the Grishko group of companies with headquarters based in Moscow, Russia.

2. Mr. Grishko’s group of companies operate four (4) factories in the heart of the Russian capital, close to the Kremlin, two (2) factories in the Czech Republic (Liberec and Prague), and one (1) factory in Macedonia – all of which manufacture and sell ballet shoes, ballet

costumes, dancewear and other ballet articles (collectively “ballet products”). The company’s staff includes more than 560 highly-skilled cobblers and professionals. Mr. Grishko’s company also has subsidiaries in France, the Czech Republic and Bulgaria.

3. Mr. Grishko’s company is the largest Russian manufacturer of ballet products in the world and Mr. Grishko is personally recognized as a world leader in the ballet and dancewear industry. Mr. Grishko has personally won universal recognition for the quality of the products sold by his companies and he is personally well-known within the ballet and dancewear industries for his worldwide charity work.

4. Mr. Grishko’s companies sell ballet products in 74 countries around the globe. Ballet products bearing the Grishko name and GRISHKO trademark are worn by young and veteran dancers alike, ballet companies, ballet shops, ballet schools, ballet studios and are distributed and sold through a vast network of distributors worldwide.

5. Mr. Grishko has established personal and long-time relationships with the most celebrated names in the ballet industry, including, without limitation, the Bolshoi and Mariinsky theatres, as well as with other leading ballet and dance companies in Russia, the USA, Western Europe, Japan and Korea, among others. Dancers and dance enthusiasts worldwide recognize Mr. Grishko personally and associate his name with the ballet and dancewear industry.

6. Products bearing the Grishko name and GRISHKO trademark are valued for high quality and reliability. Having accumulated nearly three decades of experience in the international market, Mr. Grishko is personally famous and associated with ballet and dancewear. From the very beginning, Mr. Grishko has harmoniously combined the best of ballet traditions with the newest achievements of modern technology and scientific research to design a premium line of ballet products.

7. Mr. Grishko has also been personally active in the ballet industry for nearly three decades and is personally famous in the field of ballet and dancewear products. At all times, Mr. Grishko employed the use of his name Grishko in conducting his businesses and interests. Mr. Grishko’s rights in the name Grishko predate the first use dates claimed by Registrant.

8. Mr. Grishko has made numerous personal appearances at ballets, conferences, conventions, and hobbyists for decades and has made 100's of such personal appearances beginning nearly three decades ago, including, in the United States and worldwide.

9. From a time long prior to the dates of first use claimed in each of the Challenged Registrations, the name GRISHKO has been well-known and associated with Mr. Grishko in the fields of ballet and dancewear. Mr. Grishko's personal fame and reputation in these fields is substantial and continuing.

10. Mr. Grishko originally founded a company named Grishko, Inc. – which was a Soviet legal entity that was later dissolved during the tumult of the former Soviet Union. Mr. Grishko then founded Obshtchestvo s Ogranichennoy Otvetstvennostyu (also referred to as an “OOO” and commonly viewed as the Russian Federation legal equivalent of a limited liability company or “LLC”) Grishko. Mr. Grishko presently operates as President of the company. Mr. Grishko is actively involved in the day-to-day operations of the business and closely monitors the quality and nature of the goods produced under the GRISHKO trademark throughout the world.

11. Grishko, Inc. entered into an exclusive license and distribution agreement with Registrant I.M. Wilson, Inc. on March 1, 1992. A few months later on July 31, 1992, I.M. Wilson, Inc. filed U.S. Trademark Application Serial No. 74299660 (“the ‘660 Application”) seeking registration of the trademark GRISHKO in connection with dancing shoes in Class 25.

12. As part of the prosecution of the ‘660 Application, I.M. Wilson, Inc. represented to Mr. Grishko that the U.S. Patent and Trademark Office required him to sign a document stating that he consented to I.M. Wilson, Inc. using his name in the trademark GRISHKO. On or around August 5, 1992, Mr. Grishko provided I.M. Wilson, Inc. with the document as requested. A few months later, I.M. Wilson, Inc. represented to Mr. Grishko that the U.S. Patent and Trademark Office required him to sign another document stating that he granted I.M. Wilson, Inc. the right to register the trademark GRISHKO. On or around March 30, 1993, Mr. Grishko provided I.M. Wilson, Inc. with the document as requested.

13. On November 30, 1993, the ‘660 Application matured to U.S. Registration No. 1807637 (“the ‘637 Registration”). On September 4, 2004, the U.S. Patent and Trademark Office cancelled the ‘637 Registration for failure to file an appropriate declaration of continued use and renewal of registration under Sections 8 & 9.

14. Unbeknownst to Mr. Grishko at the time, I.M. Wilson, Inc. subsequently submitted each of the applications to register each of the Challenged Registrations. During the prosecution of each of the applications to register each of the Challenged Registrations, I.M.



Wilson, Inc. submitted the same documents that Mr. Grishko had earlier signed during the prosecution of the '660 Application.

15. On August 5, 2016, Mr. Grishko formally revoked any and all consent to I.M. Wilson, Inc.'s use and registration of the GRISHKO trademark, including, without limitation, each of the documents that I.M. Wilson, Inc. submitted during the prosecution of each of the applications underlying the Challenged Registrations.

16. The name Grishko in the Challenged Marks represents and identifies a particular living individual, namely Mr. Grishko. Having revoked consent, each of the Challenged Registrations is in violation of § 2(c) of the Lanham Act (15 U.S.C. § 1052(c)) and in violation of the long-standing procedures and rules of the United State Patent and Trademark Office as set forth in the Trademark Manual of Examining Procedure, Section 1206.

17. Petitioner is damaged by the existence of each of the Challenged Registrations because each creates a false perception that Mr. Grishko is currently affiliated with, sponsored by, or endorsed by I.M. Wilson, Inc. when that is no longer the case. The continuing use and registration of the marks in each of the Challenged Registrations creates a likelihood of confusion, mistake, and/or deception such that purchasers, customers, and those in the trade will likely believe I.M. Wilson, Inc. is the source of the goods.

18. The fame, reputation, public persona, and general awareness of Mr. Grishko in the trade is substantial. The use and registration by I.M. Wilson, Inc. of the name GRISHKO, without the consent of Mr. Grishko causes Mr. Grishko to be falsely identified with I.M. Wilson, Inc., causing damage to the persona, fame, and reputation of Mr. Grishko.

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WHEREFORE, Mr. Grishko prays that Registration Nos. 4746900, 4303496, 4303495, 3915946, 3915742, 3915733, 3568809, be cancelled under Section 2(c) of the Lanham Act (15 U.S.C. § 1052(c)). Pursuant to 37 C.F.R. § 2.6(a)(16), this Petition for Cancellation is accompanied by a filing fee in the amount of \$2,400.00.

Dated this 5<sup>th</sup> day of August, 2016.

Respectfully submitted,

THE KINDER LAW GROUP, APC



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Attorneys for Petitioner

**CERTIFICATE OF TRANSMISSION AND SERVICE**

I certify that on August 5, 2016, the foregoing PETITION TO CANCEL is being electronically filed via the Trademark Trial and Appeal Board's Electronic System for Trademark Trials and Appeals ("ESTTA").

It is further certified that on August 5, 2016, the foregoing PETITION TO CANCEL is being served by mailing a copy thereof by U.S. first-class mail addressed to each of the following:

I.M. Wilson, Inc.  
241 King Manor Drive, Suite D  
King of Prussia, PA 19406

Executed on August 5, 2016, in Irvine, California.



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